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John Lowell

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**PEACE WITHOUT DISHONOUR—WAR
WITHOUT HOPE.**

BEING

A CALM AND DISPASSIONATE

ENQUIRY

INTO THE

QUESTION OF THE CHESAPEAKE,

AND THE

NECESSITY AND EXPEDIENCY

OF

WAR.

.....
BY A YANKEE FARMER.
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BOSTON:

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TO THE PUBLICK.

IT cannot be expected, that a farmer should display the ornaments of a polished style—The author has aimed only at perspicuity, impartiality, and truth. A boldness and freedom characteristic of the real, ancient New-England farmers, will be found strongly marked in every part of this little essay. The publick good is the author's only object—true patriotism his only stimulus—and the promotion of justice, and vindication of our national good faith, his only aim.

In these times of party spirit he cannot hope to escape censure. His love of truth—his display of our own errors—his disposition to render justice to other nations will probably be attributed to the basest motives—For such is too often the fashion of the day—to abuse those whom we cannot answer.

It would not surprise him, if he should even be called an Old Tory or a British hireling; for he has often remarked that this is a species of argument which never fails of success, when all other reasoning or abuse is found ineffectual. But he shall despise the calumnies, and smile at the attacks of all the partizans of war, a few of whom, broken in fortune or reputation, can only hope to rebuild both on the ruins of their Country.

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TO THE FARMERS, MERCHANTS, AND MECHANICKS OF NEW-ENGLAND.

FELLOW CITIZENS,

IF at any time a citizen is justified in making an appeal to your understanding, to your sober reason—If a cool and dispassionate display of your danger, and your true interests be at any period a duty, it surely becomes such, when you are threatened with a calamity by which your rights, liberties, property, and lives are to be exposed to the most imminent danger. *We are told by the publick newspapers which have usually been the vehicles of the language of our administration—we are also informed, that many very influential men in and out of the administration, concur with the publick papers in declaring, “that War will probably take place, and that it is *inevitable*, unless the government of Great-Britain should make ample reparation for the attack on our frigate the *Chefapeake*.” We also know, that all descriptions of people in Great-Britain, however opposed in political opinions, concurred in one sentiment, that Great-Britain never could, and never ought to yield the principle for which they believed that we contend, the right of enlisting and harbouring the deserters from their publick ships of war. It is rendered almost certain, therefore, that Great-Britain, “while she will explicitly disavow *the claim to search our national ships of war*, will nevertheless *contend*, that we have no right to enlist her deserters, and protect them under our publick flag, but that if we do so conduct, and refuse to deliver *them on demand*, she will retake them by force, on a common jurisdiction, the *High*

* See the language of the National Intelligencer, and of the Aurora, who consider war as inevitable, unless Great-Britain grants reparation for the attack on the *Chefapeake*. Mr. Gallatin, Mr. Dearborn, and other publick officers are alledged to have declared that war is to be expected.

Seas." If such should be her final decision, as we have reason to fear, she cannot punish Admiral Berkeley without manifest injustice to him.

If, therefore, our administration are sincere in their determination to go to war, unless reparation be made for the attack on the Chesapeake, war seems, as they privately assert, to be inevitable, unless the prudent and temperate deliberations of Congress, or the seasonable expression of public opinion, shall check this destructive, and I may add, *ragb* policy. War, at all times a *publick* calamity, becomes peculiarly alarming and destructive to a nation, which has been for twenty-four years exclusively devoted to the arts of peace—which has neglected every mean of national defence—which has devoted none of its revenues to a wise preparation for war, to which all nations are occasionally exposed. It is peculiarly alarming to a nation, governed by an administration not only destitute of military talents, but who have always avowed their opposition to every thing like military preparation, and who, while they have professed to rely upon the most frail of all supports, the justice of nations, and have therefore neglected every mean of preparation or defence, have most *unfortunately* brought us to the verge of a most awful precipice, where we have no alternative but either to plunge headlong to a certain and destructive fate, or to retrace our steps, as *they* say, with ignominy and disgrace. If at a moment so eventful, and in a position so tremendous, any friendly hand should point out to us a path by which we might save both our lives and our honour, one would naturally imagine, that it ought to excite our gratitude, rather than our hatred—to merit our thanks, rather than punishment; but other doctrines seem to prevail. The friends of the administration, wounded at the *true* picture of our situation, provoked that any man should unanswerably prove *some* errors in our own conduct which diminish the justice, and of course, the necessity of a war, have advanced an idea novel in the history of free nations, that **"it is treason to question the justice or expediency of a war,"* even be-

* Extract from the National Intelligencer in answer to Pacificus, a writer in the Boston Centinel, against the necessity of War. This may be found in the Palladium, of September 29, in a piece entitled "Modern Liberty."

fore the *only* constituted authority authorized to decide this question, the Legislature, had convened to deliberate upon it.

The example of Great-Britain, whose tyrannical principles have so long been the theme of popular harangue, one would think would be conclusive on this point—and that whatever may be done *with impunity* in that monarchical and severe government, might certainly be permitted in our free and enlightened country. It is well known that all the publick writers in England, both *before* and *after* the *decision* of Parliament, as to the question of war, undertake to arraign its justice, its policy, its necessity, its expedience, their own weakness, the means which they have of annoying the enemy, and to magnify the resources, power, and talents of their foes : nor can there be found, in a single instance, an attempt to check this freedom of enquiry, either by prosecution or threats.

If this example, and the explicit language of our own Constitutions were not sufficient authority, we might cite an illustrious man, whose opinions a large part of the community would be unwilling to question.—President Jefferson lays it down as an established axiom, “ that the utmost liberty of the press may be safely indulged, in such a country as ours, and that errors in opinions can do no injury, *where reason is left free to combat them.*”

If this doctrine be true in *ordinary* cases, how much more strong its application to the important questions of war and peace ?—To what terrible consequences would the tyrannical doctrine of the National Intelligencer, above quoted, lead us ? A foreign nation makes an attack which is alledged to be cause of war : Such an attack must always involve a question of fact, and a question of law or right. If the opinion of any particular set of men, even of dignified officers, *could be conclusive* as to these *two questions* : If no private citizen who might be in possession of better evidence as to the *facts*, or better authority as to the law, could divulge these facts, and make known his principles of law, it would follow that our Constitution would be a dead letter ;—the Legislature would become mere tools in the hands of the executive, and the nation might be involved in all the calamities of war at the pleasure of a single man. But the doctrine of the Government paper goes farther, you can not only not discuss the question of right, but you must be silent

as to the resources or ability of the nation to gain the object of the war. The opinion of the Executive is conclusive on this point also. The National Intelligencer tells the people of the United States, that Great-Britain has done an *unprovoked* act, which justifies a declaration of war on our part ;—this point, it says, it is *treason* in any body to disprove.—It adds, that this war would be expedient, because “ we can bring Great-Britain to our feet. We can ruin her manufacturers ; we can starve her colonies ; we can take Canada and Nova-Scotia : while the injury will be trifling to ourselves, as we can supply ourselves as plentifully with foreign goods by *prizes* we shall take, as we are *now* supplied by commerce ; and our produce will meet as ready a sale in war as in peace.”

But any attempt to disprove these propositions, especially if made with *truth* and ability, it declares to be the high offence of *treason*, inasmuch as it tends to prove the opinions of *great men* erroneous, and to discourage the people from undertaking a war, which those great men have resolved to wage.

Braving all the dangers to which those writers are exposed, who venture to give light to the people, on this most interesting subject, and despising the threats of prosecution for *treason*, I shall attempt to develop the principles, to trace the history, and to expose the facts in relation to our alledged cause of complaint against England ;—to examine our *own* conduct, and the allegation so often made, that the attack on our National flag, was wholly without provocation ; and lastly, to consider the expediency of war, in which will be involved, its objects—the prospect of success or defeat ; our resources, and means of annoyance of our proposed enemy ; and the power, situation, and interests of the nation with whom we are about to contend ; and I shall conclude with considering the effects of such a war, whether it prove successful or disgraceful upon our general politics, interior and exterior, and upon those *great* and *permanent* interests, which ought never to be overlooked when we are weighing minor questions, or debating upon injuries and incidents which do not affect, or compromise our welfare or existence.

It will not be denied, that on the 24th day of June last, when the attack was made on the Chesapeake, the relations between

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Great-Britain and the United States, were those of peace and amity.—This is proved by the declarations of the President to Congress, and the communications of our Ministers at the Court of Great-Britain, which were laid before that honourable body.* It is farther proved by the language of the British Ministers in and out of Parliament, and by the circumstance of our Ministers extraordinary having signed a Treaty of Amity, which settled all our differences, except the single one, of the right of search of merchant ships for British seamen, and on which point, it is said from good authority, Great-Britain was ready and offered to yield the right of search except as it respected the *narrow seas*, or that portion of the sea which immediately furrounds Great-Britain, and where the danger of the loss of their seamen, who are their only defence, was peculiarly imminent.

It cannot be doubted, therefore, that peace, so much to be desired by this country, would not have been interrupted, and that our profitable neutrality would have been continued, had it not been for the affair of the Chesapeake, which cannot be too much deplored. The question, therefore, is limited to the examination of the causes of that unfortunate act, and of the consequences which ought to result from it.

As a great portion of the irritation which has been produced, excited, and encouraged, has proceeded from an ignorance of the facts which preceded and accompanied that affair, it will be useful, before we enter into an investigation of the Law of Nations upon this subject, to settle, as far as possible, these *facts*.

In the summer of 1806, a French Squadron of line of battle ships and frigates having met with a gale upon our coasts, a part of them took refuge in the Chesapeake, to shelter themselves from their enemies. This rendered it necessary for Great-Britain to detach a Squadron to watch the motion of their enemies, and they accordingly, as they lawfully might, took their station in Hampton Roads. By the Law of Nations, and the principles of an impartial neutrality, we owed to both these Squadrons, equal protection. While we permitted the French to repair and refit their ships, re-

* See the President's Communications to Congress, on this subject.

claim their deserters, and to prepare to encounter their enemies, the laws of hospitality equally demanded, that we should allow equal privileges and indulgence to the British Squadron, and more especially that we should not countenance or encourage any measures by which their means of encountering their enemy should be, while they were under our protection, weakened.

*On the 7th day of March last, five *British* seamen belonging to the British sloop of war *Halifax*, Lord James Townshend commander, while employed in weighing the anchor, rose upon their officer, threatened to *murder* him, and made off with the boat to the American shore, where they landed. Their names were, Richard Hubert, sail-maker, born in Liverpool; Henry Saunders, yeoman of the sheets, born in Greenock; Jenkin Ratford, born in London; George North, captain of the main-top, born in Kinsale; and William Hill, born in Philadelphia; who entered in a British port voluntarily, viz. in Antigua.

The facts of their birth and citizenship were taken from the ship's books, and were sworn to have been their *own* declarations at the time of their entry on board the ship.

The nature of this evidence is conclusive, and its *fairness* is *strongly* marked by their not attempting to conceal the fact, that one of the five was born in Philadelphia.

The very day after their landing, they were enlisted as part of the crew of the United States ship *Cheapeake*. Perhaps this was done ignorantly, though it is worthy of remark, that an Englishman, and especially a Scotchman and Irishman, may be *almost as readily* discerned from an American, by those who are conversant with sailors, as a black man can be distinguished from a white one. It is certain, however, that these men could not have been protected of American protections. The very day after the enlistment, Lord James Townshend demanded these men of Lieutenant Sinclair, the recruiting officer of the *Cheapeake*. The government of the United States had, as Captain Barron asserts, ordered the recruiting officers not to *enlist British deserters*. These deserters were not at

* For these facts, see the affidavits of the commander and officers of the *Halifax*, printed in the Trial of Jenkin Ratford, one of the mutineers, and reprinted at Boston.

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this time on board the ship, but at the rendezvous. It naturally occurs to ask, why did not Lieutenant Sinclair, in obedience to the orders of the government, immediately discharge *these men*? If he had enlisted them *ignorantly*, the *spirit, nay, the letter of his orders*, obliged him to discharge them as soon as he knew from the highest authority, their *commanding officer*, that they were *deserters* from his ship. Many honest well meaning men have contended, that the word of a *publick officer* ought to be respected.

This is an excellent general principle, and the observance of it would tend very much to preserve the peace of nations: but we should not forget that this rule has a double application. It operates as much in favour of the officers of *other nations* as of our own. When, therefore, Lord James Townshend pledged his word to Lieutenant Sinclair, that the men whom he had enlisted, contrary to the orders of our government, were *his* sailors, and that the British government had a *property* in their services, it was as much the duty of Lieutenant Sinclair to give full faith to the word of Captain Townshend, as it was the duty of Captain Humphreys to give credit to the declaration of Captain Barron:—it was still stronger;—Lieutenant Sinclair *did not, could not* know that the declaration of Lord Townshend was untrue; but Captain Humphreys *did* know that the declaration of Commodore Barron was unfounded, and he turned out to be right in the fact.

Lieutenant Sinclair made an evasive answer to the application of Captain Townshend, and did not *deliver or discharge* the men. An application was then made to Captain Decatur, who referred him back to Sinclair. The British Consul applied to the Mayor of Norfolk for these men, but without effect—and lastly, the British Minister applied to our government, who replied, that they had on a former occasion stated their reasons for not complying with their request, and that moreover the men were Americans.

These men, who, with the exception of Hill, were all *native British seamen*, and had no claims from residence or other causes on our protection, were all continued on board the *Cheapeake*, while at Washington, under the eye of our government. No measures appear to have been taken to ascertain their claims to our protection. No evidence down to *this day* has ever been published in relation to

either of these men. We must conclude, therefore, that they are, as the British have proved under oath, *all native* British seamen, except *William Hill*. It cannot be pretended that the government are in possession of evidence in *respect to them* which it does not think it important to publish, because we know that they have been at great pains to collect and publish the evidence with respect to *three other seamen*, whose case has no connection with the *cause* of the attack on the Chesapeake.

These seamen were among the crew of the Chesapeake at the period of the said four several, solemn demands, and continued on board till the ship sailed down the river, when *four of them* deserted. The fifth, Jenkin Ratford, remained on board till after the last demand made by Captain Humphreys, and to which demand Captain Barron replied, that "*he knew of no such men as Captain Humphreys described.*" After the action, Ratford was found hid in the coal hole of the Chesapeake, and has since been tried, found guilty of mutiny, and executed. He confessed himself to be a native of London, that he had entered his Britannick Majesty's service voluntarily; that he was persuaded to enter on board the Chesapeake, in order to protect himself from the search of his officers, and that on his entering, he was asked if he had not a second name; that he thereupon entered by the name of Wilfon. As soon as these repeated demands and refusals were known to the commander in chief, Admiral Berkeley. finding, as he alledges, that the seamen of the British fleet were deserting every day, he issued the order referred to in the note below,* in substance directing the officers of his Majesty's ships under his command, to require permission of the Captain of the Chesapeake to search that ship, on the high seas, for the deserters referred to in said order, and to proceed and search for the same, at the same time offering a like and reciprocal permission to the American officers. Captain Humphreys, of the Leopard, was entrusted with the execution of this order, and the manner in which he executed it, is too well known to need repetition. Two or three remarks, however, may not be amiss, as an opportunity will not again occur in the course of the proposed dis-

* Admiral Berkeley's order, printed in the Trial of Jenkin Ratford.

cussion :—1st, That another formal demand was made of *their own* seamen, by the British officers, before the last alternative was resorted to ; that this demand was couched in terms so polite and respectful, that it would not have been beneath the dignity of Captain Barron to have met it with equal politeness, and to have stated the case *truly* to Captain Humphreys, that three of the men demanded had escaped, and that the fourth he was ready to deliver ; this would probably have finished this unhappy affair. 2d, That nothing in the answer of Captain Barron, is a sufficient excuse for his not delivering up Jenkin Ratford, one of the mutineers, then on board the *Chefapeake*.

The reason assigned to the British officer, that he was ordered not to suffer his crew to be mustered, by any but his own officers, does not apply—There was no necessity of *mustering them at all*. At that time it was well known, it *must have been known* on board the *Chefapeake*, who the men demanded were. And he declares that he had positive orders from the Government not to enlist deserters, which amounted to an *order to deliver them*, if he had enlisted them *ignorantly*.

He might therefore have obeyed *both these orders of the Government*, and have preserved the honour of our flag ; and what is more, the honour, faith, and reputation of our officers. By sending on board the British ship, Jenkin Ratford, of London, a mutineer, and deserter, and accompanying it with a declaration on his honour, that the others had deserted from the *Chefapeake*, he would have satisfied Capt. Humphreys, would have substantially obeyed the order of our Government not to enlist deserters, and have prevented the unhappy catastrophe.

3dly. The meanness of many of our publick papers and resolutions, in representing this attack as cowardly, and assassin-like, cannot be too much condemned by every candid and ingenuous mind.

The *Leopard* was a 50 gun ship, and carried a smaller number of men than the *Chefapeake* ; the *Chefapeake* was a large 44, which our officers have often declared equal to a British 64. So far from the British officers knowing, that the *Chefapeake* was unprepared, it turns out by the charges of our own officers against Barron, that she was *fully* prepared. Indeed the British officers

are said to have avowed to ours, before she failed, that they were instructed to obtain these men by force if they were not given up. Our own officer after having resolved to defend his ship, ought to have nailed his flag to the mast, and to have sunk his adversary, or to have gone down himself with his flag undishonoured. It is the disgrace which this conduct seems to fix upon us, which makes us feel so pungently.

Had Capt. Barron vindicated our national honour as he ought to have done, we should have seen this affair in a very different light. We should have acknowledged that we were wrong in the principle of *enlisting their seamen*, but we *might have* added, that no nation shall insult our flag with impunity : we need not indeed have *said* this ; the fact would speak a plainer language.

After the colours of the United States ship had been struck, the British officers proceeded to search for their deserters.

The result of this search was this :—they found Jenkin Ratford, one of the *seamen demanded*—and John Strachan, Daniel Martin, and William Ware, *three other deserters*, whom they did not suspect had been enlisted ; who were not contained in the order of Admiral Berkeley, but who are admitted by *our Government* to have been deserters from the British frigate *Melampus*. These men were no more the cause of the attack, than if the British had found an *anchor on board*, which had been *stolen* from their ship, but which they could never *expect* to find on board one of our publick ships. They also found twelve other British seamen, who not being *deserters*, they suffered to remain. It turned out therefore, that there were on board the *Chesapeake*, when she was at Washington, five British deserters from the *Halifax*, three deserters from the *Melampus*, and twelve other British seamen.

The British officers took away the *single seaman* whom they found of those *demanded*, and the three other *deserters* from the *Melampus*, whom they were not *ordered* to take, because they were not known to have been on board.

The astonishment and indignation of every American was excited soon after, by the President's declaration, " that the seamen demanded had been previously ascertained to be *native citizens* of the

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United States."—That the British Admiral should have the hardihood to *demand*, and to order the *retaking* by force, native citizens of America, was so incredible in itself, that some writers ventured to doubt it. This drew out the evidence on both sides, and it turns out *most unequivocally*, that the President was grossly *misinformed*. No doubt these *high* officers must rely upon the veracity and accuracy of inferior agents.—Unhappily the source of the President's information was impure; and a publick, solemn, national declaration, by the negligence or falsehood of some subaltern officer, turns out to be *unsupported by facts*.

The case was this :—The Proclamation states, that the act of the British officers was so much the more unpardonable, "as it had been previously ascertained that the *seamen demanded*, were native citizens of the United States."

The *essence* of the criminality consisted in *demanding* native citizens of the United States, and in attacking a ship of war for not delivering *such* citizens. Now it turns out *that all the seamen demanded*, were native *British seamen*, and therefore, all this *exaggerated point of criminality* falls to the ground.

When the publick called upon the Government for the evidence of the citizenship of these deserters, the President, it is presumed, called on the inferior officers, on whose report he had made the declaration; and *they*, in order to cover their errors, instead of furnishing the evidence of the citizenship of the deserters from the Halifax, who *were demanded*, gave the documents in relation to the deserters from the *Melampus*, who were *not demanded*, but who being found among the crew of the Chesapeake, were taken out. These documents were published and applied to support the proclamation, and to prove that the British officers made an attack for the recovery of native Americans. This is now known to be false. For an explication of this point, see the notes.*

* Seamen who deserted from the Halifax, Lord James Townshend, and who were so often *demand*ed, and for whom the attack on the Chesapeake was made, viz. Richard Hubert, of Liverpool, } demanded, but escaped from the Chesapeake.
Henry Saunders, of Greenock, } do. do. [peake.
Jenkin Ratford, of London, } demanded and taken.
George North, of Kinsale, } demanded, but escaped from the Chesapeake.
William Hill, of Philadelphia, } do. do. [peake.

[See the continuation of this note in the next page.]

In fact no evidence has *yet* been, and no evidence *ever* can be adduced to prove that the *seamen demanded*, and whose protection by us was the *sole cause* of attack, were Americans; because they were and have been proved by the highest evidence to be native *British seamen*.

But since the case of the men taken from the *Melampus*, has been blended with that of the others, let us see how the facts turn out as to them.

Instead of supporting the proclamation, as to the fact of their *having been ascertained* to be native citizens, it turns out, that Capt. Barron had simply taken the *story* of the culprits: It turns out further, that one of them was born at Bonaire, in Spanish America, and was not even a citizen of the United States; that the two others were black men, born slaves in Maryland, and strictly therefore, not native *citizens*, though *natives*. That they all told Capt. Barron a falsehood, in stating that they had been impressed on board the *Melampus*, because they referred to their former master, Capt. Crafts, who states, that he suspected and charged them with theft in England, that they therefore absconded, and in order to protect themselves, entered on board the *Melampus* *voluntarily*. Capt. Crafts, pleased, probably, with getting rid of such rascals, never demanded them either of the Captain of the *Melampus*, or of the British Government, after they were enlisted, and they remained on board that frigate till they again deserted from *her* in our country.

Some honest men doubt, whether the British officers had a right to enlist these men; and if they had, whether they could reclaim them from us, after desertion.

Protesting that it has no connexion with the affair of the *Cheapeake*, they not being *the men demanded*, I would observe, that it is not competent for our Government to deny the right of our citizens to enter into foreign service, in a foreign jurisdiction, because 1st. The present administration and all the party now in power in

Seamen deserted from the *Melampus*,

John Strachan, of Maryland,	}	not demanded, but taken.	
William Ware, of Maryland,		do.	do.
Daniel Martin, of Bonaire,		do.	do.

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the United States, opposed the plan of the Washington administration to prohibit such conduct, and they contended that a citizen in time of peace, might expatriate himself at pleasure. The famous example of Commodore Barney must be in every one's recollection.

2dly. The Act of Congress prohibiting our citizens from entering into foreign service within *our own territory*, is a strong, and almost irresistible implication that they *may do it* in other countries.

3dly. The late answer of our Government to the British Minister, that we cannot stop to enquire of what country a man is a subject, when he offers himself to enlist as a soldier or sailor, is a perfect answer to us upon that subject. And our practice from the commencement of our Government to this day, of inviting, and naturalizing the citizens of *all countries*, even of *nations* at war, ought to make us perfectly silent on this topic.

4thly. If a man has a *right* to enlist in a foreign country, and does so enlist, signs the articles of war, receives the bounty and wages, he becomes to all intents and purposes a subject of his newly *adopted* country, and all our claims over him, and his to our protection absolutely *cease*. To illustrate this case, let us suppose that Capt. Barney had delivered up the frigate which he commanded, to the British in the Chesapeake, and had landed, and the French Government had demanded the delivery of him for the purpose of punishment, and had threatened us with war, in case of refusal, is there any doubt that we should have delivered him up? And should we not be justly deemed accomplices of his crime, if we should refuse?

Now the case of these two *black men*, is precisely the same with that of Capt. Barney.—Mr. Jefferson calls them *citizens of the United States*; if so, their right of expatriation is as great as that of Capt. Barney, or of Mr. Jefferson; and when once legally entered into foreign service, if they desert, they are as much reclaimable as either of the others would be.

I have briefly considered the case of these men belonging to the Melampus, because some people have or pretend to have, scruples on this subject; but I *repeat*, that the case of these men forms no part of the real question.

It will constitute no part of the discussion between the two countries ; it does not affect the merit or demerit of Admiral Berkeley : He ordered his officers to take Richard Hubert, Jenkin Ratford, and George North, these were all native Englishmen. His officers could find but *one* of those men, but they found three others, whom they had no orders to take, but who were deserters. If they were mistaken in these three last men, (*which they were not*) and had no right to take them, it does not render the order for taking the *real* Englishmen, and the actual execution of it by seizing one of them *less correct*. My brother farmers, will understand this better, if *I put a case just like it*.—A Sheriff has a warrant to search a neighbour's barn for two stolen horses, suspected to be *concealed there* : He enters, and finds one of the *stolen* horses, and he also takes a cow, which he thinks was stolen from another neighbour. Suppose it should turn out that he should be wrong as to the *cow* ; does it render the warrant for the horse illegal, when he really found one of the stolen horses concealed there ?

Thus, then I have considered, and stated all the facts as yet ascertained, as to the cause of this attack ; and it appears, that *four native British seamen* and deserters, who deserted in our territory, were *contrary to orders* enlisted and entered in our ship Chesapeake ; that they were demanded of the inferior officers, and lastly of the Government, and were not delivered ;—that a forcible attack was made to recover these men ; and though three of them had escaped, one was actually found concealed on board of our ship ; and that twenty *British* sailors were found to have been entered on board of her.

I shall now proceed to examine the principles of the Law of Nations on this subject, and whether we were in good faith obliged to deliver up these deserters ?

The first question which presents itself on this point is, how far the subjects of a nation in time of war, have a right to expatriate themselves, or to enlist in foreign service, even in ordinary cases, where they have not entered into special engagements with their Sovereign ?—On this point all the writers on the Law of Nations, most of whom are on the side of freedom, and the privileges of the citizen, agree, that subjects not in publick employ, cannot expa-

triate themselves while their nation is *at war*. Burlamaqui, Vattel, Grotius, and Puffendorf, all hold the same opinions, but as it would exceed the limits of this essay, to quote the opinions of all of them at large, I shall confine myself to those of Grotius, a Dutch writer, whose excellent treatise on the rights of War and Peace, has been considered a standard work upon this subject.

In the XXIVth section of his Vth chapter, he lays it down as a general principle, that the subjects of any nation may change their country at pleasure, to which general rule, he makes the following exceptions :—" And yet herein also, we are to submit to natural equity, that it should not be lawful when the publick was *damnified* by it.—For as Proculus observes, always not that which is profitable to *some one* of the society is usually to be observed, but what is *expedient* for the *whole*.

" But it is expedient for the whole, that in case any great debt be contracted, no citizen should forsake the city, until he have first paid *his proportion of it*. Also, if upon *confidence of the number* of their *citizens*, they have begun a *war*, but especially if they are in danger to be *besieged*, no citizen ought to forsake it, till he have first provided a person as able as himself to defend the Commonwealth."

In this point all the writers on the Law of Nations, are agreed, and if they had been silent, the dictates of common sense and natural equity, and the first principles of the social compact, would have decided the question.

In the case of Great-Britain, all the reasoning of Grotius, applies to the contest in which she is now engaged.

It will not be denied that she has undertaken this war "*in confidence of the number, and ability of her subjects*;" nor will it be questioned, "that she is not only in danger, but is actually threatened with being *besieged*" by the most formidable power which the world has ever seen. We cannot therefore, resist the conclusion of Grotius, that no private citizen of Great-Britain has a right to forsake his country, without providing a person equally *able* to defend the Commonwealth.

If this doctrine is true with respect to private citizens, who are only bound by a tacit and implied contract, how much stronger is

the principle when applied to persons in publick employ, bound by an *express* agreement, obliged by their having received the publick money for their services, and on whose fidelity the existence of the nation more immediately depends ?

All civilized nations have united in considering desertion from publick service, one of the most heinous offences.

In America, France, and Great-Britain, it has been often punished with death.

If it be therefore the highest crime, and one of the greatest injuries which a subject can do to his country to desert its service, can it be necessary to prove that it is unlawful for a friendly nation to receive, encourage, enlist, and defend by force such *deserters* ?

In support of the monstrous opinion, that it is not unlawful, some people have remarked, that by the modern usages of nations, criminals who have committed offences *less than murder and forgery*, are by the courtesy of such nations, not demanded when they escape out of their own country into a foreign one.

But let me ask, why are murderers and forgers excepted from the general rule ? Is it not alledged to be, because justice requires that such heinous criminals should not escape punishment ? Because the peace of the nation, whose laws have been violated, requires that an example should be made of such great offenders ?

And suppose that it should be more important to a nation to require the delivery of her military deserters, than of the criminals abovementioned, would she not have a right to require them ?

On the questions of the Colonial trade and of the impressment of seamen from our merchant ships, our Secretary of State founds his chief argument upon the silence of the writers of the Laws of Nations on those subjects. And cannot the argument be retorted with equal force on this point ? Not a dictum can be produced from any writer to prove that neutral or friendly nations have a right to protect the deserters from the service of belligerents. And yet all these writers discuss the question how far nations can harbour the *criminals* who escape from other nations ; and if any such right as the one for which some Americans contend, was conceived to exist, is it possible that some one of these numerous writers would not have mentioned it ?

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In fact the acknowledged usage of all civilized neutral nations, in restoring such deserters from the armies or ships of nations at war, the absolute necessity of such an usage to the existence of nations, perfectly account for this silence. A fact which took place the last year, in our own country, proves that the French officers view it in this light. Admiral Willaumez met with an American brig at sea; he found in her four deserters, who had escaped from the *Valeureuse* frigate. Not content with taking them out, he writes a letter* in a most indignant strain, to his Minister at our Court, and desires him to demand satisfaction for this *misconduct*;—not for the misconduct of one of our publick officers, in enlisting his men, and refusing to deliver them when demanded, but for the misconduct of a private citizen, in daring to *employ* men, who had been once in the service of his *Imperial Majesty*. This case, though an extravagant one, and partaking of the character of French domination, is strong evidence of the general understanding of military men, that “deserters from publick service cannot be harboured.”

Such seems to have been the impression of our own Government,

* “To Gen. TURREAU, French Ambassador at Washington.

“MY LORD,

“You have learnt by the arrival of some of my scattered ships in America, the unfortunate event by which they were separated from me.” [Here Admiral Willaumez gives the detail of the tempest.] That at this date the Foudroyant was nearly new masted, and proceeds to enforce to General Turreau, how necessary it was that the ships which had put into the American ports in distress, should hasten to join him at the Havana, where his squadron if collected and united to the Spanish force at that place, would in effect oppose a strong squadron, and double to that of the English, who at Jamaica, have only two line of battle ships. Admiral Willaumez further says, that he purposed going to Vera Cruz, agreeably to the project of the government of the Spanish colony of Havana, to bring some millions of dollars, which he states will be more apropos, as the French Emperor had a right to the payment of one million of dollars of which the scarcity was very great at the island of Cuba. Admiral Willaumez then continues, “I have just apprehended four seamen, deserters from the *Valeureuse* frigate, which I found on board an American brig, where they had engaged at seventeen dollars per month. Now, sir, if you can succeed in making the American government pay down a compensation for this misconduct, in seducing thus our seamen, you will punish it by making it smart in that point in which it feels most, viz. its avarice in money, and with so much the more justice, those people (meaning the American merchants) have for three years past been continually injuring our marine by seducing our best seamen from us.

(Signed)

L^e C. Ad. P. WILLAUMEZ,

On board the Foudroyant, Havana, 25th October, 1806.”

and its orders on this subject are conclusive as against ourselves. It directed its officers not to enlist *deserters from the British ships*;—if this order had been *issued* and *executed* in good faith, we should have been fully acquitted, even if deserters had been unintentionally entered and found on board, and the whole weight of *unprovoked hostility*, with which Great-Britain has been charged, would have rested upon her officers.—But unhappily for us, after admitting the Law of Nations to be as we have stated, by issuing the abovementioned order, our subsequent conduct evinces either a want of sincerity in issuing *that order*, or a subsequent change in the *policy* which dictated it. If it had been made with good faith, why was not a regular formal enquiry made upon Mr. Erskine's demand? Why were not the British officers invited to point out the men, and exhibit the evidence of their claim to them? Was not the demand of a public Minister sufficiently solemn, and did it not require some notice and respect? Could it be imagined that our officers could know *the deserters* by intuition? or was it *presumed* that they knew them to be on board, *in direct* breach of the orders aforesaid, not to enlist them?

Will it be contended, that they were ignorant who they were, and that they relied upon the culprits coming forth of their own accord, out of a crew of 400 men, and saying "Ecce homines, we deserve a halter?"

It is apparent to every fair and candid man, that if the order was issued in good faith, when the British officers gave notice that five of their seamen were enlisted, there was but one plain, upright course—to ask the British officers to *point out the men*.

But would you deliver up men upon the mere declaration of British officers?!—Do not be alarmed, I would *not*;—but I would institute an *official* enquiry, in which the British officers as prosecutors, should be permitted to exhibit their proofs of their claim to the men charged; and the alledged deserters should have ample time, and the aid of Government to substantiate *their* claims to our protection.

This was the course of nature, of truth, of good faith, of national justice. It was the way to avoid misunderstanding, to save the lives of our citizens, which have been destroyed in consequence of

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the neglect of this course, to avoid *War*, with which we are threatened.

There is nothing in this procedure derogatory to our national honour. It was reserving the jurisdiction and trial of the question to *ourselves*. It would have given perfect satisfaction to all parties, and would have heightened the confidence of all nations in our good faith.

It was peculiarly proper in this case, because the alledged desertion had taken place in *our own* territory, while the ships of a friendly power were under our protection. We were therefore bound to know, or at least to enquire into the facts, and to render justice. A *respect* to our territorial rights, alone prevented the British from retaking their criminals by fresh pursuit. A respect to ourselves, and to the obligations of an impartial neutrality, required that we should render them *that justice* which their *respect for us* prevented them from doing for themselves.

But why was not this natural and fair course of procedure adopted? The history of the case gives the answer. Upon such an investigation and enquiry, the deserters from the Halifax would have all turned out to be native British subjects; of course there could have been no apology for not *restoring* them. On the other hand, to restore to those enemies of the human race, as I have heard some persons call them (*hostes humani generis*) the very means by which they were to annoy the fleet of our illustrious friend, the Emperor of the West, and this in the very face of his *august representative*, would have been to hazard the displeasure of our firmest, fastest friend. In other words, deep rooted, and cultivated antipathy to Great-Britain, and an habitual dread, as well as sincere partiality to France, forbad the adoption of any measures, which, by conciliating the former, would tend to render the latter more jealous of us.

But some honest, and a *few able* and respectable men, who go along with us in our opinions to *this* point, who agree, that the practice of enlisting British deserters is extremely wrong, and a violation of neutrality, and even in the opinion, that our own conduct in this affair might justify *hostilities* from the government of Great-Britain, still contend that Berkeley had no such right, that it belonged only to his government to *wage war*.

To this opinion two answers may be given, both of which are perfectly satisfactory :—1st, That although this doctrine may be generally true, and it certainly very much conduces to the peace of nations to maintain it, yet it is an affair altogether between the *subaltern officer and his government*. Surely no man will be so mad as to contend, that Admiral Berkeley's having done this act without the authority of his government, is a greater cause of complaint, a greater insult, or a more justifiable ground of hostility, than if the British government had ordered it. If, therefore, that government, after reviewing all the conduct of that officer, and the circumstances of provocation, shall approve the steps he took, it will stand precisely on the same footing, as if Mr. Erskine had reported our refusal to deliver the deserters to his government, and that government had issued an order to re-seize the men by force.

2dly, It is a great mistake to say, that a subaltern officer can in no case whatever, of his own authority, make reprisals or commit an act of hostility. It is true that military men are considered in a great measure as *machines*, in the hands of their superiors ; they are bound to obey orders, and can exercise their *discretion* so far only as is *necessary* to the execution of those orders. But if in the course of such duty, an unexpected incident takes place, which goes to defeat the object of their orders, that same military strictness requires that they should remove such obstacle if practicable. An officer is sent, as was the commander of the British fleet in Hampton roads, to watch and prevent the escape of an enemy—he lands the guns of one of his ships to *caroon* her.—A *neutral* ship of war, directly before his eyes, lands and puts the *guns* on board, and proceeds to *sea*—will any man be so unreasonable as to contend, that the British officer cannot pursue such ship, demand his guns, and on refusal, *compel by force* the surrender of them ? Shall he submit to see the object of his expedition defeated, and report to his government that he conceived it to be more *proper* that the guns should be *diplomatically demanded* ?

But, say some *other objectors*, true, in *extreme cases*, the law of self-preservation will justify an inferior officer in making forcible reprisals, but was the case of Admiral Berkeley such an one ? My answer is, that every officer so entrusted, must judge for himself. He

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takes his honour and life in *one* hand, and his sword in the other. If his government justifies him, he escapes—if she condemns, *he falls*.

But that Admiral Berkeley had reason to apprehend a total destruction of the British Squadron on our coasts, the following facts seem to establish :—1st, It is alledged that desertion had become so frequent that the British Squadron had lost nearly an hundred men, between March and June, and great rewards had been offered at Halifax, by the *Province*, for the apprehension of these deserters. 2dly, Although Captain Barron gave such wretched protection to the deluded men who entered on board his ship, still the example was so contagious, that *immediately after* three men deserted, landed near Hampton, and were *secreted* by our inhabitants. Nineteen British seamen rose upon a British cutter, and brought her into the Delaware, where they landed, were protected, and have not been delivered up ; on the contrary, our newspapers congratulated "*these much injured and high spirited men,*" on their success. Six men ran away with a boat of the Columbine, at New-York—and six more landed at New-York, from the Jason, and are all concealed in our country :—and lastly, sixty-five sailors rose upon their officers, in the Jason, with the intent of escaping to our *friendly shores*—and they would have succeeded, had it not been for the timely and spirited interference of their officers. This frigate has since arrived at Halifax, with fifty of her crew in irons, so that her cruise against her lawful enemy was defeated. Can any one deny, after these examples, that the case was *so extreme* as to justify an officer in resorting to force, after every other means had failed ?

But it must not be *forgotten* that the true, and indeed *only* real question between the two nations is, whether the facts which preceded the attack on the Chesapeake, amounted to such a provocation, that *if reported* to the government of Great-Britain, that government would have been authorized to make *reprisals*, or even to declare *war* against us ?—Let any man consult the writers on the Law of Nations, or his own feelings of moral propriety, and decide. This is *certain*, that as a *belligerent* nation, we should be the *last* to submit to a principle, which in its operation would completely defeat the best concerted military enterprises. And *we* should think that our moderation had been sufficiently

manifested, if, after three several inferior demands, our publick ministers had made a *formal demand* of *another sovereign*, and been *refused redress*.

But admit, *if it be possible*, that all the reasoning we have cited is *wrong*, and that we have good cause of war against Great-Britain, does it follow, that war is *necessarily* to be undertaken? Are there *no* cases in which war, though justifiable, may be avoided, without dishonour? Let us listen to Grotius on that point:—"It is better sometimes to remit *our own* right, than to engage in a doubtful war for it," "especially if undertaken to *exact punishment*"—which is precisely the case in this instance. We have no principle, no interest, no motive for war, but to *exact punishment* in a doubtful case. Again says Grotius, "No prudent man will adventure in such an enterprize, where good success shall bring little profit, but where the least miscarriage may prove fatal." "Grant that our grievances are unjust, and unworthy to be borne, yet it will not follow, that we ought, by striving against them, to make our *condition worse*." Apply it to our *present case*.

If we *succeed* in the war, we gain the right to cover a few British deserters, whom we do not want, and which, as Grotius says, will bring little profit; but we hazard our lives, our liberties, our government—we do *not hazard* our property; that, together with our neutral advantages, will *inevitably* go to enrich our enemy. But some people say, we do not go to war for *British deserters*—those we do *not want*—we are better without them—we go to war to make Great-Britain give up the right of *search* of our *ships of war*.

This is one of those *errors* which *certain artful men* have purposely interwoven with the case of the Chesapeake, with which it has *no connexion*. Great-Britain does not claim this right—she will renounce it by treaty—she at *this moment* absolutely *disclaims* it.* The case of the Chesapeake was not grounded upon it; it was a *reprisal* for a wrong done by us; for a wrong for which remedy had been refused; and it is, by the Law of Nations, the only *remedy short of war*.

* It is not improbable that Admiral Berkeley will be recalled to ascertain satisfactorily whether the affair of the Chesapeake is truly a justifiable act of reprisal, or the assumption of a general right to search publick ships, which latter they disclaim.

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It was no more founded on the right of search, than if one of our ships on the high seas, *in time of peace*, should forcibly seize a boat belonging to a British ship, with a lieutenant and crew on board, and should hold them in dures after demand; and thereupon the British captain should attack and disable our ship, and retake his men; both these acts are equally reprisals for previous injuries, and are both founded on the laws of nature and nations.

I ask, once more, is war *always* to be undertaken, when it is justifiable?

I answer, our own practice proves the contrary. France captured our ships in violation of the treaty of 1778—she afterwards set up the abominable doctrine of the *role d'equipage*, and condemned millions upon it—she afterwards decreed, that all neutral vessels, having one dollar's value of British manufactures on board, should, together with their cargoes, be lawful prize; and several more millions fell under this pretext.

All these acts were violations of the law of nations—all of them were *cause of war*—yet we did *not go to war*—we made a treaty, and instead of *her making either acknowledgment or satisfaction* for either of these injuries, we explicitly *renounced* all claims to them.

Spain shut the port of New-Orleans, contrary to treaty—she did it with marked insolence—she has since marched armed men into our territory, seized our citizens, and lately has taken possession of some of our national military stores—still we have not made war upon Spain, though war would have been justifiable, and though, both with regard to France and Spain, we had given *no cause of offence*, as we have done in this case to Great-Britain.

If it be asked, how it happens that the men who were in favour of war with France and Spain, are opposed to one with Great-Britain—I answer, 1st, That the injuries of France and Spain were unprovoked, and therefore atrocious: 2d, That those of Great-Britain have been *provoked*, even by the acknowledgment of our government, who ordered its officers not to enlist deserters, which orders were *openly disobeyed*—and therefore the cause of war is doubtful: but lastly, Such was the local and political situation of France and Spain, that they could not injure us, while they were at war with Great-Britain. An impassable gulph lies between us—but we are

vulnerable at every pore by Great-Britain. By her immense and gigantick naval force, she comes in contact with us in every sea. To destroy *our commerce*, would be *mere sport* to her marine ; and although the Editor of the National Intelligencer, and his patrons, may think the ruin of 250,000 merchants a matter of such perfect indifference, that he will not suffer it to mar a fine calculation, yet the people of New-England feel differently. They know that they are necessarily a *commercial people* ; they have not one million slaves to labour for their support ; they live by the sweat of their *own brows* ; their sons, their kinsmen, their friends, are engaged in commerce ; and we farmers of the northern states, are not so foolish as to believe that you can destroy commerce without inflicting a deep wound upon the interests of agriculture.

We are now naturally led to consider the expediency of war, in relation to our means of annoyance, resources, probable losses, and general effects.

In estimating these various branches of this extensive question of expediency, I shall not enter much into the details, but shall state them with all possible brevity, consistent with perspicuity.

Our means of annoyance, and resources as stated by the advocates of war, are of two species, direct and indirect, military and commercial.

Of our military resources one would think that but little need be said. The jealousy of military force always sufficiently strong, has been strengthened by our philosophick administration ; the necessity of conforming to the false opinions and prejudices by which they acquired power, has obliged them to destroy even the little military and naval force, which their predecessors had built up. The President has taught the people to believe, that the experience of all nations and of all ages, was of no avail ; that all his predecessors in power, from Saul to Bonaparte, have been mistaken in believing in the necessity of force in order to maintain *respect* ; that the sense of justice is the firmest hold, and *reason* the most effectual weapon to protect our rights, or to avenge injuries. With this all conquering weapon he has marched boldly on, till he has brought us into the field with a foe, who having been challenged to meet us there, will take the liberty to use his *own* weapons.

If our little band of 3000 foldiers, could be drawn off from the defence of a frontier of 5000 miles, and from our tottering forts, more dangerous to their defenders than their assailants, and if Mr. Jefferson could by the force of reason, persuade our enemies to enter a small defile, like that of Thermopylæ, perhaps even this little knot of heroes might be immortalized by victory. So also, if our enemies would be graciously pleased to run their line of battle ships aground in *convenient* numbers, Mr. Jefferson's naval force would be found very effective, or, which would be still more convenient, and good humoured on the part of our enemies, if they would send one ship at a time, to permit Mr. Fulton to make three or four experiments, we could in the course of two years, destroy the British navy.

But we have 100,000 militia, and we can by the very cheap process of an act of Congress, increase this number at pleasure. If the war was to be a defensive one, like the last, it must be admitted, that this species of force may be calculated upon. But the militia cannot be marched *out* of the United States, and we have no use for them *within*.

But they would *volunteer* their services to take Canada and Nova-Scotia.—I do not say that this achievement is impossible; but I am surprised, that our publick writers should be so little sparing of our feelings, as to recal those two scenes of our misfortune.—The plains of Abraham, and the Isthmus of Penobscot, exhibit no honourable monuments of either our power or conduct.

But perhaps we might have better success in another attempt; perhaps with the loss of twenty thousand men, and the expence of fifty millions of dollars, we might take, and garrison those provinces, with the exception of the city of Quebec; that city we probably could not take.* Suppose us then in quiet possession of these

* It is surprising with what confidence men who are totally ignorant of the state of these provinces, boast of taking them at a stroke. Quebec was in a ruinous situation when attacked before, and yet we failed in our attempt, though we had two armies before it.—It has since, been thoroughly fortified, and is now the Gibraltar of America. We have no reason to doubt, that it would hold out against the *whole French army*, at least as long as Dantzick. We on the other hand, are destitute of engineers, or military skill sufficient for such an operation. But we shall be told, that we shall have French officers, French skill, French artillery.—And is this our *consolation*? Hic metus! heu libertas!

provinces ; of what benefit will they be to us, or what injury the loss of them to our enemy ? To her they have been a constant source of expence. To us the *one* would add a mass of population, hostile to us in feelings, language, manners, religion, and attached, sincerely, and irrevocably so, to the nation whose power and ascendancy we have the highest reason to dread. Every Canadian is a Frenchman at heart ; slaves to their priests, they can easily be persuaded to join the imperial banner of France, whenever the Emperor lawfully authorized by the Sovereign Pontiff, shall think proper to display it.

Fifty thousand Canadians, disciplined by French veteran officers, after effecting a junction with 50,000 Louisianians, who are equally French in character and feelings, would become very uncomfortable neighbours to the United States.

Nova-Scotia does not offer a more tempting prize.—A country, poor, miserable, producing no staple article, populated by men, embittered against us, by a thousand recollections, and who, probably, in half a century, will not have forgotten their deep rooted prejudices against us, and our system of government. We cannot, moreover, retain Halifax, without a superior naval force.

It will not be pretended therefore, that our existing *military* means, directed and applied by our pacifick commander in chief, ought to inspire great confidence in success.

But we may be told, and *we are gravely* told, that we have an *immense* revenue. Our overflowing treasury appears to have embarrassed our government to find means to employ it. As *reason* is Mr. Jefferson's only *weapon* in his existing contests with Great-Britain and Spain, and as that costs no more than Mr. Madison's *salary and clerk hire*, he never dreamed that it was possible that his *reason* might perchance fail of producing its effect, and that we should have occasion for the *ultima ratio regum, powder and balls*.

It is possible that some weak minds may really believe that our revenue is a *war resource*, and that it justifies our holding a bullying language to Great-Britain. For the information of such men, we shall state this point briefly. Our revenue in time of *peace*, is 10 millions of dollars, of which nine tenths are derived from imposts on merchandize. This revenue, if it *could continue*, is but one

seventeenth part of that of our proposed enemy, and would be wholly inadequate to war operations. Four millions of it are pledged to pay the interest of the national debt, which if we fail to do, not a *cent* will ever be obtained by loans or otherwise. The remaining six millions, would defray the expences of a war about *three* months annually. For the remaining nine months, each year, we must seek other *means*, and incur a *new debt*. But as it is admitted by Mr. Jefferson's paper, that our *commerce* will be destroyed, our revenue founded solely on that commerce, will *fall with it*.

Two resources which our present rulers have rendered as unpopular as their talents would permit, must then be resorted to—*loans and taxes*.

Past experience has rendered the monied interest too wise, to advance their money without the *pledge of new taxes*; and even with such a *pledge*, an administration which has avowed its hostility to publick faith, and the individuals of which openly proposed to cheat the publick creditors, before they came into power, can with a very ill grace propose to borrow, or expect to be believed, when they *promise to pay*.

But grant that loans are obtained, and that the war is carried on with spirit; taxes must be raised to pay the interest of these new loans. The odious system of excise must be revived, and the administration must be compelled to acknowledge by their conduct, the wise foresight of their predecessors. But as an excise of double the former amount, would only produce as much as the former, owing to the diminution of consumption produced by the distresses of war, this source of revenue will only produce 750,000 dollars per annum. We must then calculate upon about 20,000,000 dollars direct taxes annually, on *land and slaves*. In laying this tax, Mr. Jefferson will have occasion for all his 100,000 militia and volunteers; and if we thought him as much of a statesman, as his friends *pretend* to do, we should have supposed that this was the motive for raising them. To bring this part of the happy effects of a *war for British deserters*, home to the bosoms of the farmers of Massachusetts, this state's proportion of the annual war taxes to be *levied on lands*, would be about two millions of dollars per annum, or about sixteen times the amount of our present *state tax*, and about

double that of our whole state debt ; and if the war should last five years, and there is no prospect of a shorter issue, we should have paid, if we should be able, 10 millions of dollars, or a sum equal to eighty years present taxes.—Nor is this the worst side of the picture ;—as the New-England farmers are in the habit of paying what they owe, as long as they have any thing to pay with, and as the citizens of *some* other states do not pay till they are *compelled*, it would result, that the chief burden of the war would, *as before*, fall upon us ;—heavy balances of debts would be accumulated against the southern states, and, after the peace, we should have another *act of Congress* to wipe off these balances, as was urged with regard to those contracted during the revolutionary war.*

Thus then we see what sort of reliance we can place upon the American army, navy, and revenue, in an offensive war against Great-Britain.

But we are told, that we can make a *predatory* war upon the British commerce, and our administration gives another proof of its spirit and ability, by proposing to repose the conduct of the war in the individual enterprize of its citizens.—This is precisely in character : but even this reliance, feeble and humiliating as it is, will fail.—They will permit the people of Massachusetts, to be as good judges of this subject, *as any* in the United States.

Instead of fitting out their 700 dull sailing merchantmen as privateers, their past experience teaches them, that with every advantage that system cannot be pursued.† Great-Britain towards the

* South-Carolina is said to be just collecting the tax laid in 1798, and which *we paid*, nearly seven years since ; and as she pays, I presume, no interest for this delay, it has been at our expence.—She has saved 50,000 dollars by this plan, out of the states who paid with punctuality.

† The opinions here expressed are perfectly conformable to those of our beloved Washington in a case similar but less strong. These opinions may be seen in a letter addressed from the Executive department to Mr. Monroe, dated Sept. 12, 1795—of which the following is an extract.

“ How preposterous is that policy which requires us to abandon and destroy the *very object*, for the *preservation* of which hostilities are to be commenced ! It may not be amiss,” he adds, “ to enlarge on the consequences of our engaging in the war against Great-Britain.

“ 1. Seeing she has the command of the sea (and appearances indicate *strongly* that she will maintain that command,) our commerce might in one year be annihilated, and thousands of our seamen be shut up or dying in jails and prison ships. In addition to her fleets now in commission, privateers would swarm, as soon as objects so *alluring* and so *affordable* as American commerce should present.

close of the last war, had learned the secret of paralyzing this species of hostility. Can it then be expected, that with no enemy on the ocean, and with double the number of ships of war, she will sit still, and permit us peaceably to rob her citizens? Every naval officer, and every merchant knows, however ignorant they may be at Washington, that fifty fast sailing frigates would as completely blockade our ports, and secure our privateers from the power of doing injury, as if they were under lock and key, or hauled up à la Jefferson, in the dry docks of the Potomac.

We proceed then to consider the *other* branch of our means of annoyance, which may be called commercial warfare.—It is maintained, that we can by a war bring Great-Britain to an acknowledgment of our claims; by confiscating the debts due to her merchants; by ruining her manufacturers; by refusing to be clothed; and by starving her West-India colonies. Although it would be easy to shew, that all these measures would eventually produce more distress to the United States than to Great-Britain, that in all cases of this nature, the dependence is mutual, and that in such contests, the *poorest* state always suffers the most; yet I shall leave this point to the good sense of my readers, and consider them as operating only on Great-Britain.

First then, we are to carry on the war, and to distress our enemy

"If we look back to the two last years of our revolutionary war, a judgment may be formed on this point. A striking defect in her naval arrangements in preceding years, left our ports open for the entry of commerce, for the equipment of privateers, and the introduction of prizes. A different arrangement in the latter part of the war, totally changed the scene. The small privateers were hauled up as unable to cope with armed merchantmen, and the larger privateers were taken. Our shipping fell at the same time a sacrifice to the vigilant operations of the British navy.

"At the present moment (1795) her naval power is extended beyond all former examples; while *that of her enemies* is at least *not increased*.

"2dly. Our landed as well as commercial interests would suffer beyond all calculation. Agriculture above the supply of our own wants, would be suspended, or its *produce perish on our hands*. The value of our lands and every species of domestic property would sink.

"3dly. The sources of revenue failing, publick credit would be destroyed, and multitudes of citizens involved in ruin. The *people at large* would be plunged from the summit of prosperity into an abyss of ruin, too sudden and too severe to be patiently borne. To increase their calamities, *direct taxes* must be levied to support the war; and it would be happy for us if we could contemplate only *foreign war*, in which *all might unite*."

by resorting to the old disgraceful system of confiscation. If the profligacy and infamy of such propositions have *no weight* in the estimation of our fellow citizens, (which I will not believe) they will surely listen to the maxims of experience, a dear bought experience, and an enlightened policy. How trifling a sum it produced to the nation in the last war, every publick man knows.—Its only tendency was to screen a few fraudulent debtors, who rejoicing in an opportunity to defraud their *honest creditors*, could of course, think it no robbery to defraud the publick. Nothing came into the publick chest, and even the joy of the fraudulent debtor was extremely *short lived*. At the treaty of peace, Great-Britain, as must always be the case, insisted as a *sine qua non*, upon the restoration of the rights of her bona fide subjects.—The courts were opened to the British creditors, and the debtors were compelled to pay with accumulated interest :—nor was this the *worst part* of it ; the Virginia legislature refused to obey the publick authority ; it neglected to open its courts ; their citizens who owed the British merchants, availed themselves of this suspension of right, of this *state rebellion* against the treaty, and became bankrupt. Great-Britain insisted on redress, for this violation of the treaty, and Mr. Jefferson ratified a convention on this subject, and has paid to Great-Britain three millions of dollars, on account of these suspended debts.

Is our past experience then favourable to a repetition of this system of iniquity ? But nations ought to be governed by more extensive policy ;—measures ought never to be resorted to, the tendency of which, is to debase the morals of the people, and to sink the national character.

If we go to war with Great-Britain, it will not be eternal ;—peace must sooner or later arrive : our interests, the great and essential interests of our country, require that Europe should be our work shop :—so says Mr. Jefferson ; so all sensible men admit.—Great-Britain is the cheapest labourer ; her manufactures are suited to our habits, and our necessities. But neither Great-Britain, nor any other nation with whom we may by possibility be embroiled, will ever trust us, if we pass confiscation laws, without adding to the price of the goods a premium for the risk of a fraudulent confiscation ;

and as all such risks are over estimated, we shall probably pay ten times over, for the paltry and wicked satisfaction of robbing her private citizens, who have trusted their property to *ours*.

Such were the enlightened views of Mr. Jay and President Washington, and few men had better opportunities of judging of the effects of confiscation. Mr. Jay was directed, and did accordingly agree to an article, which is a permanent one, and still in force, stipulating, "that in all future wars between us and Great-Britain, no confiscation of private debts should be made."—Can it then be contended, that in the *only* case in which the article was to operate, it becomes void? And will it be pretended that nations can make no regulations to soften the rigors, and lessen the calamities of war?

Without *such an article*, Great-Britain never would make peace with any nation whom she supplies, without stipulating for the payment of debts due to her citizens, and *with such an article* in her hand, what could any honest American commissioners for making peace, say to her negotiators? The man must be hardened indeed, who will contend, that we ought to exercise a power, *malum in se*, debasing, corrupting, disgraceful, and in face of a positive, humane, and honourable stipulation.

But secondly, we are to *ruin the manufacturers* of Great-Britain, at the very prospect of a war they were to rise in rebellion; the prophecy on this subject, has turned out already to be *partially* false.

Instead of that terror, that violent opposition to war from the manufacturers, we hear of no disturbance, and very little uneasiness. The great manufacturing towns in England, have taken no steps to prevent a war or to express their anxiety about it; on the contrary, we learn from persons who have arrived from England, that a war with us is *at least* not unpopular, and especially in *Birmingham*, which is the greatest *work shop* for this country. I might rest the argument here, for it will be admitted, that no people are better judges of their interest, than the manufacturers of England; and if a war would be so ruinous to them, they certainly would not be quiet as we *know they were*, though a war was expected.

But I will give a *very brief* summary, to shew that a war would not be very injurious to these manufacturers.

1st. Their articles are many of them of the *first* necessity, and nations at war with them, must and will get them, in spite of prohibitory regulations. Bonaparte has exerted *all his power* for five years, to shut out their manufactures, and yet his own army, and even court, are openly clothed in them. If 700,000 troops cannot shut them out of France, will patriotism without a sword, effect it in America? Patriotism did not prevent hundreds of our countrymen from fitting out privateers and taking our own vessels; many have grown rich by plunder of this sort. Patriotism does not prevent the slave trade, though the laws are so severely prohibitory. In short, *patriotism* cannot be calculated upon, to effect *that which power* finds it vain to attempt.

2dly. A much smaller proportion of the population of the united kingdoms of Great-Britain and Ireland, are employed in manufacturing for us, than we have usually thought.—Not more than one sixth part of the population of Great-Britain, is employed in *any manufactures*. Four fifths at least of the manufactures of all nations, are consumed at home. Great-Britain exports only about six millions worth annually, to America, and it is only the profits on this capital, which she would lose, which would not exceed one million.—She might not even lose that;—the capital which is now employed in manufacturing for us, may be withdrawn from manufactures, and employed in agriculture and commerce, and it would only be the difference of profit between the new employ, and the old, which she would lose. But grant that she should lose one million per annum—will that materially affect the policy of a nation whose revenue is 40 millions? Is Great-Britain to be ruined by an additional million? If that be the case, to borrow a phrase from a writer of our own, "*We have only to gather up our garments and fall with decency.*" If Great-Britain be so reduced as to be ruined by one million more, *she must fall*, and how long our rights and liberties, and *the liberty of the seas* will survive her, I shall endeavour to shew briefly in the conclusion of this sketch.

But lastly, we are to starve her West-India colonies.—It is really astonishing, that men will be so blinded by their hatred to Great-Britain, as to urge and appear to believe such absurd notions. Why did they not starve during the revolutionary war? Nova-

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Scotia then supplied them with little or nothing ; she can now supply them with nearly all they want. They do not take our beef and pork in peace, they are so dainty ; and yet we talk of starving them ! But if they could support a war of eight years, when Nova-Scotia was a young, uncultivated country, when our privateers swarmed in these seas, and the ocean was covered with the fleets of France, Spain, and Holland, how much easier will it be to sustain a war, when the provision vessels of England, can navigate in perfect safety, having no one to make them afraid ? But do we not view the other side of the picture ? Possessed as they will be of Buenos Ayres, where provisions are cheaper than in any part of the world, is there not danger, that a war with us may turn their attention to other channels of supply, and thus destroy, perhaps for ever this branch of our commerce ?

It will be seen then, that the hope of coercing Great-Britain by commercial warfare, is as delusive and desperate, as by arms ;—and after a long, but bloodless war, in which we should be called upon to suffer rather than act, we should probably be obliged to abandon the claims for which the war was undertaken, unless Great-Britain, from causes totally *out of our control*, should be obliged to yield to the irresistible power of France.

Let us now take a brief view of the effects of a British war, upon ourselves.—Those, who deluded by the language of the *war* newspapers, and especially Mr. Jefferson's, believe, that we are to enter into a war in which Great-Britain will be the *only* sufferer ; and that we shall continue to prosper as before, will be woefully deceived. Not a man who has any thing to lose, not a labourer, who depends on the sweat of his brow, but will feel, and rue the effects of such a war :—they will be almost equally felt, and perceived in the counting-houses of the merchants ; the parlours of the rich ; and the cottage of the poor.

The farmer will surrender his cattle to the tax gatherer ; the mechanick will be obliged to hang up his rusty tools ; and the children of our industrious fishermen, will demand their bread in vain. This is not the picture of a fourth of July orator—it is sober reality. The National Intelligencer with the sang froid of a true philosopher, consigns to beggary 250,000 merchants. He

admits "that commerce will be destroyed by a war, and in its fall will crush its immediate dependents;" but he insults the understandings of us New-England farmers, by insinuating that all the other classes of society will escape its effects. Who are to employ and give bread to the 300,000 mechanicks in our seaport towns, after the merchants are beggared? Who are to pay the banks when all the property of their debtors is annihilated by war? When the banks stop their dividends, and lose part of their capitals, what will become of the widows and orphans who have deposited their little modicum in these publick institutions? When the small country banks fail, who will indemnify the farmers who hold their bills?

What will become of the country traders, and the farmers, who owe them, when the creditors of the beggared merchants call upon them for immediate payment?

It is admitted, by the advocates of war, that commerce will be wholly annihilated; with *that* falls our revenue:—the collection of direct taxes will be found so slow, and so unpopular, and the calls on government will be so much *more pressing* than those of the publick creditors, that the interest of the national debt will be suspended. The party in power, have always been opposed to this class of publick creditors, and though they have as yet paid *punctually*, and have not violated the contract, it is only because they have had ample means, and it was a convenient engine of power;—it was a strong hold over their political enemies.—But create more pressing exigencies, and thousands of honest creditors will be left to starve.—This is what they *formerly* proposed—it would gratify many *secret* wishes.

If a war, then, will annihilate commerce, as the National Intelligencer admits, will ruin 250,000 merchants, beggar all the mechanicks immediately dependant on the merchants, injure some, and produce the failure of many of the banking institutions—if it will destroy our revenue, and oblige the government to suspend the payment of the interest of the national debt—if, moreover, as a necessary consequence, it will cripple, if not bankrupt our insurance companies, can the *farmers* hope to escape the general devastation?

Are there none alive who recollect the effects of our revolution-

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ary war? Can agriculture flourish, when there are no buyers? When all the *other* orders of society are ruined, the taxes must fall upon the land-holders—and we have shewn, that the revenue from impost failing, the farmers will be called upon to defray the whole expenses of the war, which will annually amount to about sixteen times the sum of our present State tax.

Can any agricultural profits meet these exigencies? When our children are called off from the labours of the plough, to those of war, can we support our families, and pay the extraordinary demands of government? Let those who view these as light and tolerable evils, be clamorous for war; but for *my* part, I prefer to renounce the right of protecting and enlisting the subjects of foreign nations, when our own population furnishes men sufficient for our commerce and our navy, to embarking in a doubtful contest, ruinous in its effects, and uncertain as to its issue.

I have said that the war, which we are called upon to wage, would be a war *without hope*. I have endeavoured to shew that we can place no reasonable reliance on our *own* resources in an offensive and extraneous war against Great-Britain: but I shall be told, that we may calculate upon the aid of France, Spain, Holland, and Russia. Indeed, we have been already told, that such an alliance would secure us success.* Without entering into the impolicy of thus embarking in the wide field of European politics, let us admit that we do so embark, and that the utmost success crowns our efforts—let us suppose our enemy, Great-Britain, prostrate at the feet of the allied powers—would *our* situation be ameliorated? Should *we* be considered as principals, or, like the *other* allies, as humble vassals in the train of the victor? Rome too had *her* allies, but was their situation less dependant than those of the vanquished?

* We already perceive, by the subjoined account of the celebration of the late French victories in Georgia, that some of our citizens have already connected our destinies with those of France. This article is copied from the Palladium, of Oct. 2.—“Savannah, Sept. 12. On Saturday, the 12th instant, a numerous company of republicans assembled at the Filature, to celebrate the victories of the French nation over the allies of England—events leading to the peace and prosperity of these U. States—the Hon. Edward Telfair, President, William Stephens, and Peter H. Morel, Esq's. Vice-Presidents.”—Are we neutral? Are Russia and Prussia our friends? Is it usual to rejoice over the destruction of one's friends?

Grant all that is *assumed*, that Britain is the *tyrant* of the ocean—will the man who subjugated the brave and inoffending Swifs, who annihilated the republick of Italy, to place a diadem on his own brow, who compelled the stubborn Dutchman, our friend and ally,* to receive a master, after 100 years of unexampled resistance to oppression—who has left not one shred of liberty or independence, through the vast, populous, and powerful regions, over which his victorious arms have extended, be delicately or scrupulously regardful of the maritime rights of nations?

Having conquered the continent of Europe, he exclaimed, “all I want are *commerce, colonies and ships*.” Can any virtuous and high-minded freeman of our country believe, that in procuring the gratification of *these* wants, he will be more scrupulous or tender of the rights of *other* nations, than he has been in attaining the vast and immeasurable power which he now possesses?

It may perhaps be thought by *some*, that I have been too free in my censures of the present administration, that I have intimated that they have rather courted, than fought to avoid, the present state of misunderstanding between us and Great-Britain. I confess that if such should be the inference, it would not be an unfair one. I have always been apprehensive, that the marked partiality or dread of France, and the deep-rooted hostility to Great-Britain, which they have invariably discovered, would lead to unpleasant consequences. It is well known, to all men who have noticed the course of our political history, that the persons now administering the government of the United States, have avowed, both before and since they came into power, a settled opposition to Great-Britain.

* Holland has been one of our fastest, firmest friends—the took an early and an honest part in favour of our liberties. Her aid was not, as the French directory say theirs was, the “fruit of a base speculation.” The Dutch love freedom—seventy years war for the attainment of it, had endeared it to them. Who would have imagined that our present administration would have been the first to insult a nation, to whom we were bound by so many ties of gratitude, by congratulating their upstart tyrant on his accession to the throne? Who would have thought that our republican President would have been so eager to address his “dearly beloved brother of Holland?” What would have been said of Washington, if he *had* thus put the seal to tyranny, especially when having no minister at that Court, there could be no necessity of saying anything on the subject? Sed tempora mutantur et nos mutamur cum illis!

It is of no moment to consider the *private* motives which have led to this undue prejudice. It is sufficient to say that the fact exists, and is avowed and justified in Mr. Jefferson's paper, the National Intelligencer.

They even declare that we ought to go back to the events of the revolutionary war, to sharpen our resentments against Great-Britain.

Whether these prejudices had any share in inducing the President to send back the treaty, made by his *own* ministers extraordinary, I shall not undertake to decide ; but I take the liberty to make on this topick three remarks.

1st, That it is a thing unexampled in the history of nations, to send back a treaty made by authorized agents, unless they were either corrupt, exceeded their authority, or compromised the most essential interests of the State, in either of which cases the ministers ought to be recalled.

2d, That it is unreasonable to expect in a publick treaty with another nation, that every article should be in our own favour—something must necessarily be given up on both sides, or a state of hostility never could cease. The only question ought to be, whether it was as good, as under all the circumstances of the case, we had a right to expect ? It is believed that this treaty, on the whole, was such an one as the United States ought to have accepted.

3d, That there was no foundation for the report, that there was annexed to the treaty a *condition* which the United States ought not to have acceded to.

It may perhaps occur to some of our readers, convinced as they will be of the impolicy of entering into a war with Great-Britain, and of the total incompetency of our means to carry on such a war, to ask, Is it good policy to expose the weakness of our country to the world ? Does it not betray a want of patriotism, to publish our opinion of our *own* misconduct, and to endeavour to prove that we are unable to cope with a nation with whom we may possibly be embroiled ? This is a species of popular error, too common with many descriptions of persons in our country.

With my justification on this topick, I shall close this address to my fellow-citizens.

In all free governments, publick opinion must eventually direct the most important measures of the administration. When *once* expressed by the legal **constituted authorities*, it is binding upon all the citizens, though it is *still* competent for *them* to use the press, in

* We say, that when expressed by the *constituted authorities*, this publick opinion ought to be treated with the *biggest respect*; and one would have supposed, that in a country like ours, which boasts of its light and information, a contrary opinion could *not prevail*: but the National Intelligencer, in its serious reasoning, considers the expression of the publick opinion, by the populace in about *twelve* mercantile towns as binding on *all the citizens*. In reply to some reasonings, endeavouring to shew that war would not be justifiable, that paper remarks, that it is unnecessary to enter into the discussion of the justice of a war, "the people have decided that question—they have *willed* it, unless ample reparation be made."

The Chronicle holds the same language.

Now we undertake to say, that the numbers and the violence displayed on this occasion, were less than those which appeared in opposition to the British Treaty—every one of the same great cities was in opposition to *that* instrument—but, happily for our country, Washington did not mistake the clamours of a multitude in a great city, which *peaceable men* think it more prudent to go with than to oppose, in the first paroxysms of its rage, for the *will* of the people.

Governor Sullivan and Sheriff Allen tried at that time the effect of opposition, and they had very convincing proofs of the wisdom, good sense, and reasonableness of an infuriated populace.

It is ridiculous to call the proceedings at the State-House, in Boston, the sense of the inhabitants of Massachusetts. Those of us who were near enough to Boston to lift up the splendid veil with which these things are covered, know, that neither that meeting, nor the one signed by William Cooper, were correct expressions of the publick will.

The history of these meetings is briefly this:—The cool and judicious men of both parties in Boston, were opposed to having any meeting on the subject, and openly expressed their disapprobation of them. Not that the inhabitants of this metropolis are ever behind their fellow-citizens in their zeal to vindicate the rights, and maintain the honour of their country—but they thought that we were too ignorant of the facts, and too uncertain of the true course to be pursued, to venture to give a decided opinion upon the subject. Such was the temper of the inhabitants, when a respect for the citizens of Norfolk, induced the Selectmen to call a town-meeting. At this meeting, it is well known that so great an uncertainty prevailed, as to the true policy to be adopted, that the inhabitants, on the proposition to appoint a committee, did not generally vote on either side, and the respectable Moderator, thinking that the lukewarmness discovered was not sufficiently respectful for the occasion, intimated the propriety of more apparent zeal, and actually put the question a second time.

This state of facts is well known, and the Editor of the Aurora, at Philadelphia, has an arch allusion to it, when he observed, that the resolutions of Boston were force-meat. The Chronicle repeated this wit against its own town, and yet has the effrontery to cite these resolutions, as expressive of the publick will. It may be said, that this goes to prove that many individuals acted with insincerity.

I ask, how people must be expected to act in a popular government, when the passions are suddenly and violently inflamed? To soothe and persuade, or oppose and inflame?

order to effect a change in the administration, or a repeal of the measures.

But as this public opinion may be directed or forestalled by artful and designing men, or may be misdirected by error or passion, it is not only the right, but the *duty* of those who believe that such errors exist, to endeavour to correct them.

When, therefore, a party of men, from sinister or from *honest* motives, misrepresent the conduct of a foreign nation, present an unnatural and distorted view of facts, appeal to the public passions, attempt to silence all opposition, represent our ability to wage war in a most extravagant light, magnify our means of injuring our enemy, and diminish her power and ability to injure us, and especially if all this be done while the question is still open, and before the Legislature, who are alone authorized to decide it, are convened—it is the most *solemn duty* which a citizen is ever called upon to exercise, to correct such false statements, to remove erroneous impressions, and to endeavour to conduct his fellow-citizens from the mazy labyrinth of error and prejudice, into the paths of light and truth. Such an effort I have, with conscious inability, attempted to execute:—Happy, if my feeble efforts shall in any degree contribute to preserve my beloved country from the dangers which surround it.